

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MICHAEL McCULLOUGH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07cv527-TSL-JCS

OWENS ENTERPRISES, INC.
AND JOHN DOES 1-5

DEFENDANTS

AGREED FINAL JUDGMENT

This cause came on for hearing upon the motion of the parties, *ore tenus*, to approve a full and final settlement and final judgment and it appearing to the Court that this cause has been compromised and settled and the Court, having considered the same and being fully advised in the premises, finds that said motion is well taken, should be and the same is hereby granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED, as follows:

1. That the copyright owned by Plaintiff Michael McCullough is valid and enforceable;
2. That Defendant Owens Enterprises, Inc., infringed on Plaintiff Michael McCullough's copyright through the manufacture and distribution of tire swings;
3. That in consideration of the terms and conditions of the settlement agreement entered into by and between the parties, Plaintiff Michael McCullough hereby expressly and affirmatively waives any and all damages and injunctive relief to which he may be entitled related to the infringement of his copyright by

Defendant Owens Enterprises, Inc., provided that Defendant Owens Enterprises, Inc. fully and completely fulfills and performs all the obligations of the settlement agreement;

4. That the claims, counterclaims and/or cause/causes of action sought to be maintained by Plaintiff and Defendant herein be, and the same is/are hereby dismissed with prejudice.
5. This Court shall retain limited jurisdiction over this matter for the purpose of enforcement of the settlement agreement executed by the parties. Each party shall bear its own costs, with the exception of court costs, which shall be borne by Defendant Owens Enterprises, Inc.

SO ORDERED AND ADJUDGED, this the 18th day of September, 2009.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED BY:

/s/Damon G. Carpenter

DAMON G. CARPENTER,
Attorney for Plaintiff

/s/Brandt G. Howell

BRANDT G. HOWELL,
Attorney for Defendant

Prepared and submitted by:

WISE CARTER CHILD & CARAWAY, P.A.

DAMON G. CARPENTER, ESQ. (MSB #102294) dgc@wisecarter.com

CRANE D. KIPP, ESQ. (MSB #3011) cdk@wisecarter.com

600 Heritage Building

401 East Capitol Street

Post Office Box 651

Jackson, Mississippi 39205

Telephone: (601) 968-5500

Facsimile: (601) 968-5519